Remarks/Arguments:

The amendments in this response are made to the claims as examined in the Office Action made Final dated March 16, 2006. The case is now believed to be in better condition for allowance. Accordingly, reconsideration is respectfully requested. Claims 1-6 are pending in the application, and stand rejected at present. Dependent claims 7 and 8 are added herein.

Claims 1 – 6 were rejected under 35 U. S. C. 103(a) as being unpatentable over Parlar et al. (USP 6,631,764) in view of Fisher et al. (USP 3,753,903). Claim 1 has been amended herein to include the feature that the emulsion is stabilized by an brine-in-oil emulsion forming emulsifier, hence an oil soluble emulsifier since an aqueous phase is stabilized in an oil medium. To the extent that the examiner maintains the rejection, Applicant traverses.

Fisher '903, at column 6, lines 21 – 32, states that "the choice of emulsifier is extremely critical, both with regard to the formation of the wax dispersion and to the stability of the ultimate fluid" and, that "the emulsifiers that both promote the formation of the finely divided wax particles and render the fluid composition stable are admixtures of an oil-soluble polyhydric, alcohol anhydride partial higher fatty acid ester and a water-soluble polyoxyethylene derivative of partial esters of hexitol anhydride and long chain fatty acids, of which the sorbitan partial higher fatty acid esters and polyoxyethylene derivatives of partial esters of sorbitan and long chain fatty acids are preferred." Thus, the Fisher '903 reference, when taken as a whole, as required within the framework of 35 U. S. C. 103(a) (*see In re Wesslau*, 353 F.2d 238, 241, 147 U.S.P.Q. 391, 393 (C.C.P.A. 1965); *see also Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 796 F.2d 443, 448-49, 230 U.S.P.Q. 416, 420 (Fed. Cir. 1986)), teaches a mixture of two emulsifiers: (1) an oil soluble emulsifier, and (2) a water soluble emulsifier. Fisher '903 does not teach brine-in-oil emulsions stabilized by a brine-in-oil emulsion forming emulsifier (oil soluble emulsifier), and provides no option to consider using anything different than a

mixture of emulsifiers, as Fisher '903 teaches it is extremely critical to use the mixture of emulsifiers.

The mixture of an oil based and water based emulsifier of Fisher '903 is easily distinguished from the emulsifier claimed by the Applicant. Applicant believes combining the teachings of Parlar et al. with those of Fisher et al. would not result in the invention as claimed by applicants, and would result in something different from a brine-in-oil emulsion stabilized by a emulsifier based on at least one sorbitan fatty acid. Hence, Applicant believes the invention as claimed is non-obvious and respectfully requests the rejection be withdrawn.

Amendments to the independent claims have been made to place the application in better condition for allowance. Amendments made to the independent claims are applicable to the claims dependent thereon. Applicants submit that this paper is fully responsive to the comments in the Office Action and respectfully solicit for this application to be granted in light of these amendments and remarks. If the Examiner believes that the prosecution of the application would be facilitated by a telephone interview, Applicants invite the Examiner to contact the undersigned at 281-285-8606. The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 04-1579 (56.0773).

Respectfully submitted,

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